



EUROPE WITHOUT BARRIERS civic initiative

Visa Revision. 'Beautifying' Visa Code of the European Union

Iryna Sushko, Head of the Civic Initiative 'Europe without Barriers', analyses the Visa Code innovations prepared by the EU for travellers who need a visa to enter its territory

Shorter list of application documents, shorter procession time, introduction of a new visa type, 'touring visa' – this is only a short list of innovations prepared by the EU for those travellers who still have to obtain visas to enter its territory.

Will these changes affect the Ukrainian applicants significantly? How should they be used effectively? How are visa regulations, which were introduced by the EU several years ago, are being implemented at the moment? These are the usual questions asked by the travellers who have expected real liberalization of the EU visa regime for years.

Price of Liberalization

The latest statements by the European Commission on visa-free regime in the EU indicate progressive modernisation in the sphere, where changes are usually very hard to implement due to complicated coordination process between all member states and the key EU institutions who still perceive visas solely as a security measure.

Yet, calculations of economic benefit that visa freedom can bring are persuasive enough to rethink the current situation and to act more courageously.

According to calculations by the European Commission, if visas were suspended, 1.3 million jobs would be created in member states in just 5 years. In particular, growth and better income is expected in tourist sphere which is predicted to grow to 130 billion Euro.

It is obvious that financial benefits will be particularly notable for the Visegrad Four, where Ukrainians traditionally travel more often than other EU countries.

According to the 2013 EU official statistics, as much as 56% of Ukrainian travellers obtained Polish, Slovak, Hungarian and Czech visas. Even more reasons to support the idea of visa freedom was earlier noted by experts, who indicate that, according to

the Polish Bureau of Statistics, each traveller to Poland from Ukraine, Belarus and Russia usually spends nearly 150 Euros a day, which added 1.6 million Euro in the second half of 2012.

'Beautifying' the Visa Code

After reviewing financial and economic benefits of visa suspension (indeed, the benefits are worthwhile), there will be better chances to modernize visa procedures. Unsurprisingly, significant changes affected those categories of travellers who stayed outside any preferential visa categories and predominantly visited cultural attractions of the EU member states via travel agencies. Consequently, this regulation can decrease demand in Ukrainian travel agencies and so stimulate improvements in services and improve propositions for vacations.

The most 'revolutionary' change to the visa code is the introduction of a new visa category, a 'touring visa', which will allow staying in one EU member state for up to 90 days in a 180-day period. Simultaneously, the list of additional documents will be reduced; the code indicates medical insurance as an example. However, the list of additional documents still is potentially unlimited.

So, will particular countries and consulates continue, as before, to randomly interpret the regulations on application documents, and will this situation ever be resolved? Document processing time is another problem which is often mentioned by visa applicants.

So far, the problem has been recognized and solved. Processing time will be reduced to 10 days from 15 days which are indicated in the current version of the visa code. Yet, the citizens who are eligible to use Visa Facilitation Agreement, which has been in force since 2008, can hope to obtain their visas in just 7 days. In general, applicant surveys conducted by NGO 'Europe Without Barriers' have demonstrated that consulates usually comply with visa processing times and try to solve arising issues quite effectively.

As before, political will and individual experience of consulates is a strong factor in visa practice.

VISA PROCESSING TIME AND SUPPORTING DOCUMENTS

THE MAJORITY OF CONSULATES PROCESS THE DOCUMENTS IN 6–10 DAYS. THE HALF OF THOSE WILLING TO MAKE A TRIP TO PORTUGAL INDICATED THAT VISA DOCUMENTS PROCESSING LASTED MORE THAN 10 DAYS, ABOUT 20% UK TRAVELERS WAITED MORE THAN 15 DAYS

Top-5 countries processing the documents in the quickest way

The rating is based on the number of visa applications processed in more than 10 days



Top-5 countries which has slowed down its visa processing

The rating is based on the number of visa applications processed more than 10 days according to the Agreement



Bureaucracy

Poland and Finland require the least number of documents – France the largest



No cumbersome procedures

Consulates of Poland, Austria, Finland, Latvia, Lithuania and Hungary are satisfied with 4-6 documents



References' "Fans"

On average 8 documents require France, 7 – Belgium, Greece, Spain, Italy, The Netherlands, Germany and Portugal



The data is collected in the frame of the project: "The dynamics of visa and migration practices of the EU countries in Ukraine and public influence on it."

The adding value of the new 'touring visa' will be its multiple-entry status, which will be complemented with prolonged period of stay.

Some consulates, such as Slovak and Hungarian, used to risk and issue multiple-entry and long-term tourist visas, embracing all responsibility for this initiative. However, such individual cases have to become a legitimate tendency in Schengen Area. It will soon be easier for some countries, such as Greece or Spain, which are popular with tourists, to issue multiple-entry visas to potential tourists and to increase the share of counties that usually issue multiple-entry visas.

Awaiting Changes

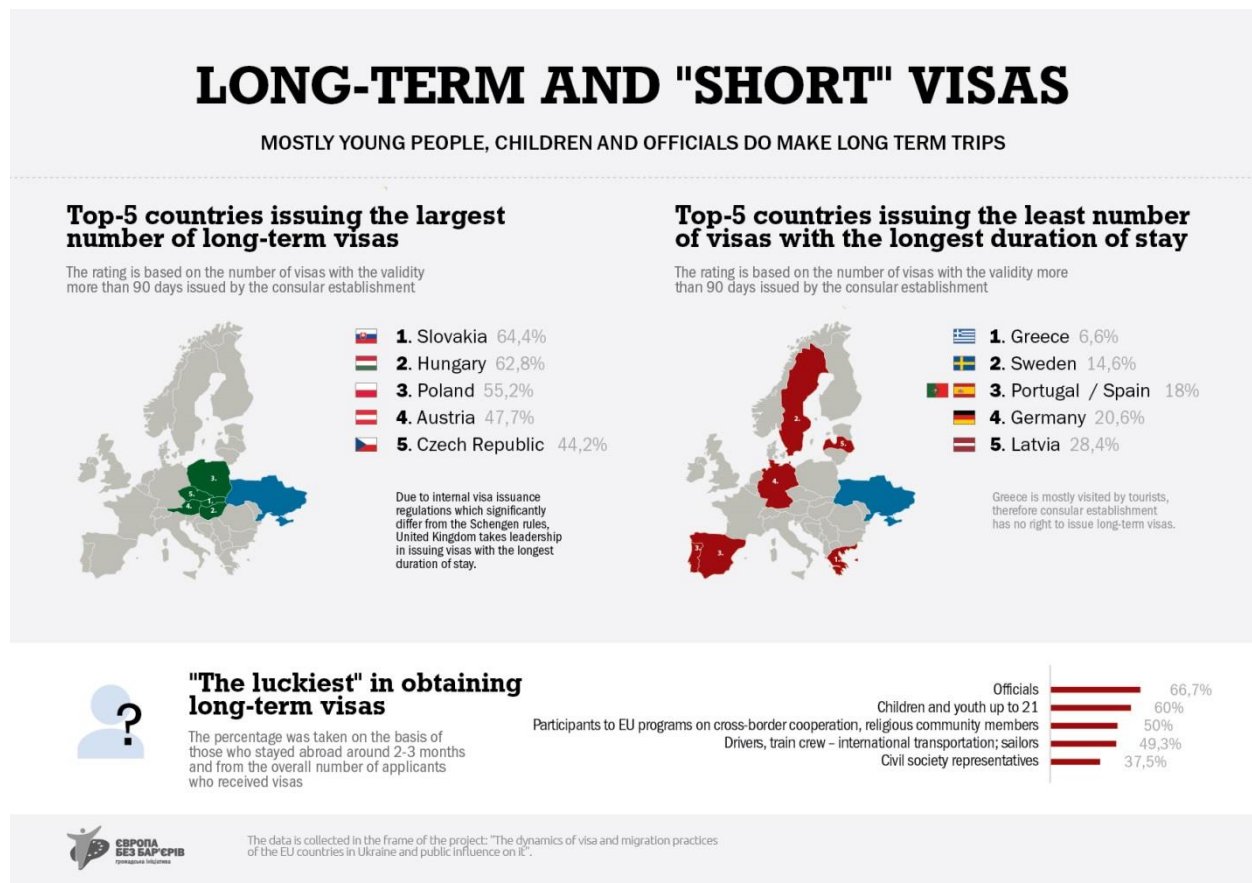
At the same time, the code still has significant gaps in legal regulations for multiple-entry visas. This particular gap has caused the incident with the Ukrainian citizens who were detained in Germany two years ago.

The problem is that the current Schengen legislation does not provide clear distinction between multiple entries allowed and multiple aims of travel intended, which is an unavoidable problem with long-term multiple-entry visas.

There is also a need to define more precisely the terms in the Article 24 which deals with proving honesty and reliability. At the moment, the criteria are loosely defined; for example, it is unclear how previously used visas can be legitimately employed. The proposition of the EU to introduce Visa Information Centre should solve the problem with registration of 'positive visa profile' of an applicant. However, the code

should define very strictly what are the conditions to obtain a multiple-entry visa that would be valid for 6 months or more.

So far, the question with issuing multiple-entry and long-term visas has not been properly resolved. The consulates still employ their internal regulations, which is obvious in the following rating.



To achieve actual liberalisation, it is essential to correct a number of provisions that used to increase visa application prices.

The proposition of the European Commission to widen access to consulates for applicants, in particular, the ones who reside far from diplomatic institutions, by creating a network of outsourced service providers – ‘visa centres’ or ‘Euro-consulates’ – is not an option for Ukraine, where the so called ‘visa centres’ function and develop since 2008.

The charges for their services start from 200 UAH and more. At the same time, consulates often violate the regulation of visa code which guarantees an applicant’s right to choose a place to apply for a visa. Besides, not all consulates comply with Visa Facilitation Agreement which cancels charges for preferential categories of citizens.

So, while stimulating people to travel, it is important to make visa prices affordable.

VISA FEE

THE AVERAGE COST FOR A SCHENGEN VISA TOGETHER WITH FEES FOR VISA CENTERS SERVICE IS 300-450 UAH

Top-5 most "expensive" consulates

The rating is based on the applicant's general average visa expenses, which may include visa application fee and other intermediary services payments



1. Spain 502 грн
2. Finland 498 грн
3. Germany 488 грн
4. Belgium 456 грн
5. France 441 грн

TOP-5 consulates issuing free of charge visas

The percentage of applicants received visa free of charge



1. Latvia 48,3%
2. Poland 45,4%
3. Belgium 45,0%
4. France 41,8%
5. The Netherlands 41,7%



The data is collected in the frame of the project: "The dynamics of visa and migration practices of the EU countries in Ukraine and public influence on it."

Three years while the visa code was being implemented have shown several weaknesses and inconsistencies which have to be corrected as soon as possible. After the EU has initiated a public discussion on the code implementation last year, the changes should take place in the areas of visa procedure which are the most crucial for visa applicants. This will significantly reduce processing times and lists of required documents.

So, will the expected innovations have any significant effect on visa procedure? Did the authors of amendments take care of responsibility for the member states, in case the consulates fail to comply with EU norms and regulations? Will progressive innovations be *de facto* recommendations that will be interpreted according to political will of each member state?

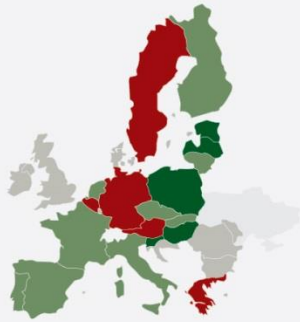
We will have the answers to these and other questions after a renewed code will enter into force after 2015.

Nevertheless, we can leave these questions to the citizens of other countries that wait for visa suspension, and they will tell us later about the effectiveness of such changes. Indeed, what if we had visa-free regime already next year, as the renewed government now promises?

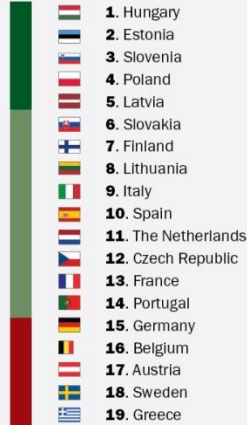
VISA FACILITATION PROCEDURE

THE BEST COUNTRY IMPLEMENTING THE VISA FACILITATION AGREEMENT IS HUNGARY, THE LEAST EFFECTIVE IS GREECE

The Visa Facilitation agreement: implementation rating



Key components considered when setting a rating: the average number of supporting documents to apply for a visa at the consulates, the percentage of 180 days of the validity of the visa for those who made trips to the EU, the share of visas allowing more than one entry, Free-of-charge visas, the percentage of visas issued with the time processing less than 10 days.



"Privileged" applicants

Categories defined in the Visa Facilitation Agreement:

- State officials
- Entrepreneurs and business persons
- Participants to EU programs on cross-border cooperation
- Professionals who participate in exhibitions, conferences and similar events
- Representatives of religious communities
- Participants to official exchange programs of twin cities
- Persons going for medical treatment and persons accompanying them
- Retired
- Persons under 18 or 21 – dependants
- Permanent members of official delegations
- Journalists
- Drivers, train crew – international transportation; sailors
- Sportsmen and persons accompanying them
- Civil society representatives
- Close relatives of EU residents
- Pupils, students, postgraduates, lecturers
- Disabled persons and persons accompanying them



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<http://novisa.org.ua/en/vizova-reviziya/>